

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Application Number	09/856,435
Filing Date	August 30, 2001
First Named Inventor	Weerasinghe, Jayantha
Art Unit	1761
Examiner Name	Curtis E. Sherrer
Attorney Docket Number	020358-000100US

Total Number of Pages in This Submission

1

**ENCLOSURES (Check all that apply)**☒ Fee Transmittal Form☐ Fee Attached☐ Amendment/Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☒ Supplemental Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/Incomplete Application☐ Response to Missing Parts under 37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a Provisional Application☐ Power of Attorney, Revocation Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s)☐ After Allowance Communication to Group☐ Appeal Communication to Board of Appeals and Interferences☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s)  
(please identify below):1. Attachment (1 page)  
2. Return Postcard

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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**Firm  
or  
Individual

Townsend and Townsend and Crew LLP

Mart C. Matthews

Reg. No. 26,201

Signature

Date

July 10, 2003

**CERTIFICATE OF TRANSMISSION/MAILING**

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Signature

Date

July 10, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 180

Application Number 09/856,435  
Filing Date August 30, 2001  
First Named Inventor Weerasinghe, Jayanthi  
Examiner Name Curtis E. Sherrer  
Art Unit 1761  
Attorney Docket No. 020358-000100US

Complete if Known

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ MoneyOrder ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number

20-1430

Deposit  
Account  
Name

Townsend and Townsend and Crew LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
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## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1001	750	2001	375	Utility filing fee
1002	330	2002	165	Design filing fee
1003	520	2003	260	Plant filing fee
1004	750	2004	375	Reissue filing fee
1005	160	2005	80	Provisional filing fee

Fee Paid

SUBTOTAL (1)

(\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fees from below	Fee Paid
Independent Claims	..		
Multiple Dependent	..		

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Fee Code	Large Fee (\$)	Small Fee Code	Small Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	180
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

(\$180)

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)

Mart C. Matthews

Registration No. (Attorney/Agent)

26,201

Telephone

303-571-4000

Signature

*Mart C. Matthews*

Date

July 10, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. DE 7109930 v1  
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On July 10, 2003

TOWNSEND and TOWNSEND and CREW LLP

By: Bonnie Reckles



PATENT  
Attorney Docket No.: 020358-000100US

1761  
#10  
RECEIVED  
JUL 18 2003  
GROUP 1700

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Jayanthi Weerasinghe et al.

Application No.: 09/856,435

Filed: August 30, 2001

For: FROZEN ALCOHOLIC  
BEVERAGES

Examiner: Curtis E. Sherrer

Art Unit: 1761

SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT UNDER 37  
CFR §1.97 and §1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Further to the Information Disclosure Statement ("IDS") filed March 12, 2002 and pursuant to the Examiner's objection raised in the Office Action mailed 1/24/03, attached is a concise explanation of the relevance of the following patents listed in the IDS that are not in the English language: NL 7113466, FR 979071, DE 3043648 and DE 2823320.

Please charge the IDS fee of \$180 to Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

Mart C. Matthews  
Reg. No. 26,201

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07/17/2003 JBALINAH 00000067 201430 09856435  
01 FC:1806 180.00 DA



## Relevance of the non-English language documents in the IDS

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GROUP 1700

### NL 7113466

This document relates to a process for preparing a full-cream milk product. This differs from the present invention in that no alcohol is used in the product.

### FR 979071

This document relates to a process for making sorbets which involves soaking chopped fruit in a liquid such as alcohol, incorporating the fruit into cream, and moulding the mixture. This process differs from the present invention in that there is no step of soaking chopped fruit in alcohol and incorporating the fruit into cream.

### DE 3043648

This document relates to an egg liqueur product containing wine, eggs, sugar, alcohol and natural flavourings. The purpose of the product is as a semi-manufactured product for ice-cream parlours, sugar confectioners and pastry bakeries. This product differs from the present invention in that the product is not a finished product as is the case in the present invention. The egg liqueur is added to other ingredients to make a finished product. Further, the egg liqueur product is not frozen.

### DE 2823320

This document relates to a food product including a body of frozen foodstuff and having a stick partly embedded in the body. It is described as depending upon carbon dioxide for its formation which is contained in "inclusions" to form the product. It does not have, in contrast to the subject application, a stabiliser. Moreover, carbon dioxide is not a required component of the present invention.